

1 **UNITED STATES DISTRICT COURT**2 **DISTRICT OF NEVADA**

3 BRETT THEIL,

Case No. 2:25-cv-00044-APG-MDC

4 Petitioner,

ORDER

5 v.

[ECF Nos. 9, 10, 18, 21]

6 WARDEN BRIAN FOSTER, et al.,

7 Respondents.

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9 Petitioner Brett Theil filed a counseled Petition for Writ of Habeas Corpus under 28

10 U.S.C. § 2254 with 27 supporting exhibits on January 8, 2025. ECF Nos. 1, 2-1 through 2-27.

11 The Respondents have moved for a more definite statement, to seal Theil's exhibits, and for an

12 extension of time to file their response to the petition. ECF Nos. 9, 10, 18. Regarding the

13 Respondents' first motion, the Respondents contend that Theil failed to make any statement

14 regarding exhaustion of his claims in his petition. ECF No. 9. Theil responded, arguing that he

15 was not required to make any statement regarding exhaustion but, nonetheless, provided a

16 statement of exhaustion for his claims. ECF No. 19. Given Theil's response, the Respondents'

17 motion is moot. Turning to the Respondents' second motion, the Respondents contend that Theil

18 failed to redact the names of minor children, addresses, and dates of birth from his exhibits. ECF

19 No. 10. Theil responded, stating he does not oppose the sealing of his exhibits. ECF No. 20.

20 Given Theil's response and LC IC 6-1, I find that sealing Theil's exhibits is warranted. Finally,

21 regarding the Respondents' third motion, which is unopposed, I find that good cause exists to

22 grant the Respondents an extension to file their response.

23

1 Also before this Court is Theil's motion to amend Exhibit Y, in which he explains that
2 the exhibit is missing pages. ECF No. 21. I find good cause exists to grant this motion.

3 I THEREFORE ORDER that the motion for more definite statement (**ECF No. 9**) is
4 **denied** as moot.

5 I FURTHER ORDER that the motion to seal document (**ECF No. 10**) is **granted**. The
6 Clerk is kindly directed to seal ECF No. 2-1 through ECF No. 2-27.

7 I FURTHER ORDER that the motion to extend time (**ECF No. 18**) is **granted**. The
8 Respondents' motion to dismiss (ECF No. 23) is considered timely filed. Theil's response to the
9 motion to dismiss is currently due on July 7, 2025.

10 I FURTHER ORDER that the motion to amend exhibit (**ECF No. 21**) is **granted**. The
11 Clerk is kindly directed to replace ECF No. 2-25 with ECF No. 21-1.

12 Dated: June 25, 2025



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14 ANDREW P. GORDON
15 CHIEF UNITED STATES DISTRICT JUDGE
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